

200207269-1

10/664,687

REMARKS

This is a full and timely response to the non-final Official Action July 22, 2005. Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Claim Status:

By the forgoing amendment, the specification and various claims have been amended. Claims 9-16, 18-29, 47-57 and 60 were withdrawn from consideration under a previous species election. In the present paper, new claims 69-75 have been added, and original claims 64-68 have been cancelled. Thus, claims 1-8, 17, 30-46, 58, 59, 61-63 and 69-75 are currently pending for further action.

35 U.S.C. § 112:

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being allegedly "circular." While Applicant respectfully disagrees, claim 1 has been amended herein to remove the language objected to by the Office Action in order to advance the prosecution of this application. This amendment does not narrow claim 1 in any regard. Following entry of this amendment, the rejection of claim 1 under §112, second paragraph, should be reconsidered and withdrawn.

Prior Art—Anticipation:

Claims 1-4, 8, 17, 35, 38-40, 43 and 46 were rejected as being anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,734,401 to Clark et al. ("Clark"). For at least the following reasons, this rejection is respectfully traversed.

200207269-1

10/664,687

Claim 1 recites:

An ink delivery apparatus comprising a chamber configured to contain ink, said chamber having:

a proximal end; and  
*opposing side portions having at least one section with a tapered thickness configured to support said chamber and to facilitate at least partial controlled collapse of said chamber in response to a negative pressure.*  
(emphasis added).

In contrast, Clark fails to teach or suggest the claimed apparatus with a chamber having opposing side portions with at least one section with a tapered thickness configured to support said chamber and to facilitate at least partial controlled collapse of said chamber in response to a negative pressure.

In the device taught by Clark, the development of a negative pressure is avoided. According to Clark, "it is also desirable that the attachment allow the slow ingress of air into the shell as ink is depleted from the reservoir 14 to maintain the pressure inside the shell generally the same as the ambient pressure. Otherwise, a negative pressure may develop inside the shell and inhibit the flow of ink from the reservoir." (Clark, col. 5, lines 54-61). Consequently, Clark does not allow for a negative pressure and, thus, cannot teach or suggest the claimed opposing side portions of an ink chamber having at least one section with a tapered thickness configured to support the chamber and facilitate at least partial controlled collapse of said chamber *in response to a negative pressure*.

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegall Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least this reason, the rejection of claim 1 and its dependent claims based on Clark should be reconsidered and withdrawn.

200207269-1

10/664,687

Independent 17 recites:

An ink delivery assembly, comprising:  
at least one pressure tuned ink chamber having  
a proximal end and a distal end; and  
*a first pair of opposing side walls, each said wall having a thickness  
and a section where said thickness tapers;* and  
a fitment coupled to said chamber.  
(emphasis added).

Claim 35 similarly recites:

A print device, comprising:  
at least one pressure tuned ink chamber having  
a proximal end and a distal end; and  
*a first pair of opposing side walls, each said wall having a thickness  
and a section where said thickness tapers;*  
a fitment coupled with said chamber having a fluid interconnect; and  
a print head coupled to said fitment.  
(emphasis added).

In contrast, Clark fails to teach or suggest the claimed ink delivery assembly or print device including a first pair of opposing side walls, "*each said wall having a thickness and a section where said thickness tapers.*" Clark does not teach or suggest any variation in the thickness of the side walls of an ink chamber.

Again, "[a] claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least this reason, the rejection of claims 17 and 35 and their respective dependent claims based on Clark should be reconsidered and withdrawn.

200207269-1

10/664,687

Claims 58, 59, 64 and 67 were rejected as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,153,612 to Dunn et al. ("Dunn"). To the extent it still applies, this rejection is respectfully traversed for at least the following reasons.

Independent claim 58 recites:

A method of delivering liquid ink, comprising:  
providing at least one pressure tuned ink chamber containing an ink, *said chamber including side walls comprising at least one section with a wall thickness that tapers*;  
establishing a negative pressure in said chamber;  
supplying said ink to a print head; and,  
regulating a level of said negative pressure within a pre-determined range using said section of tapered wall thickness, while at least partially resiliently collapsing a portion of said chamber in response to said negative pressure.  
(emphasis added).

In contrast, Dunn fails to teach or suggest the claimed method including using a chamber with side walls comprising at least one section of tapered wall thickness to regulate a level of negative pressure within a pre-determined range. Dunn contains no such teaching.

Again, "[a] claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least this reason, the rejection of claim 58 and its dependent claims based on Dunn should be reconsidered and withdrawn.

Prior Art—Obviousness:

Claims 5-7 were rejected as being unpatentable under 35 U.S.C. § 103(a) over the combined teachings of Clark and U.S. Patent No. 5,646,664 to Pawlowski, Jr. ("Pawlowski").



200207269-1

10/664,687

Claim 45 was rejected as being unpatentable under 35 U.S.C. § 103(a) over the combined teachings of Clark and U.S. Patent No. 5,745,137 to Scheffelin et al. ("Scheffelin"). This rejection is respectfully traversed for at least the same reasons given above with respect to independent claim 35, from which claim 45 depends.

Claims 61-63, 65 and 68 were as being unpatentable under 35 U.S.C. § 103(a) over the combined teachings of Dunn and Clark. To the extent not rendered moot, this rejection is respectfully traversed for at least the same reasons given above with respect to independent claim 58, from which claims 61-63 depend.

200207269-1

10/664,687

Conclusion:

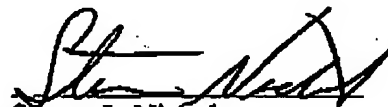
The newly added claims are thought to be patentable over the prior art of record for at least the same reasons given above with respect to the original independent claims.

Therefore, examination and allowance of the newly added claims is respectfully requested.

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

DATE: 19 October 2005

  
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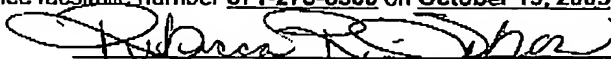
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